(03-168)

Docket No. 2024730-7033212001 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| In re the Application of: |) Group Art Unit: 1723 |
|--|------------------------------|
| Joseph C. Eder et al. | Confirmation No.: 7680 |
| Serial No.: 10/716,641 |) Examiner: Tony Glen Soohoo |
| Filed: November 18, 2003 | , |
| For: APPARATUS FOR MIXING AND DISPENSING A MULTI-COMPONENT BONE CEMENT |)))) |

RESPONSE TO RESTRICTION REQUIREMENT TRANSMITTAL

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Response to Restriction Requirement (12 pages) as set forth in the Office Action mailed November 21, 2005 for the above-identified application.

Dated: December 8, 2005 By: David T. Burse Reg. No. 37,104

Respectfully submitted,

BINGHAM McCUTCHEN LLP

BINGHAM McCUTCHEN LLP Three Embarcadero, Suite 1800 San Francisco, CA 94111-4067 (650) 849-4400

CERTIFICATE OF MAILING TRANSMISSION (37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposit with the Unites States Postal Services on the date shown below with sufficient postage as "First Class Mail" to addressee in an envelope addressed to the M/S: Non-Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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| December 8, 2005 | Carolyn Dover |
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PA/52174370.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed November 21, 2005, subject to the non-allowance of one or more of the linking claims 1, 24 and 45, Applicants hereby provisionally elect the invention of Group III, including claims 5-9, and 32-34, drawn to a mixing and dispensing apparatus with a mixing disc and/or blades. Applicants election is provisional in that, as acknowledged in the Office Action, upon the allowance of one or more of the linking claims, the restriction requirement is to be withdrawn as to the respective dependent claims.

Applicant further elects the species of "invention A" shown in Figures 1A-2, which reads on linking claim 1, and the elected claims 5-9. The remaining claims are withdrawn from prosecution for the time being, but remain pending in the application, in accordance with the listing of the claims and their current status identifiers that begins on page 2. Remarks begin on page 12.